



Filed: 3/11/2008

09500HB5286ham001

LRB095 19061 AMC 47080 a

1 AMENDMENT TO HOUSE BILL 5286

2 AMENDMENT NO. _____. Amend House Bill 5286, on page 1,
3 immediately below line 22, by inserting the following:

4 "Notwithstanding any other rulemaking authority that may
5 exist, neither the Governor nor any agency or agency head under
6 the jurisdiction of the Governor has any authority to make or
7 promulgate rules to implement or enforce the provisions of this
8 amendatory Act of the 95th General Assembly. If, however, the
9 Governor believes that rules are necessary to implement or
10 enforce the provisions of this amendatory Act of the 95th
11 General Assembly, the Governor may suggest rules to the General
12 Assembly by filing them with the Clerk of the House and the
13 Secretary of the Senate and by requesting that the General
14 Assembly authorize such rulemaking by law, enact those
15 suggested rules into law, or take any other appropriate action
16 in the General Assembly's discretion. Nothing contained in this
17 amendatory Act of the 95th General Assembly shall be
18 interpreted to grant rulemaking authority under any other

1 Illinois statute where such authority is not otherwise
2 explicitly given. For the purposes of this amendatory Act of
3 the 95th General Assembly, "rules" is given the meaning
4 contained in Section 1-70 of the Illinois Administrative
5 Procedure Act, and "agency" and "agency head" are given the
6 meanings contained in Sections 1-20 and 1-25 of the Illinois
7 Administrative Procedure Act to the extent that such
8 definitions apply to agencies or agency heads under the
9 jurisdiction of the Governor."; and

10 on page 3, line 17, by deleting "(a)"; and

11 on page 4, by deleting lines 11 through 15; and

12 on page 5, immediately below line 8, by inserting the
13 following:

14 "(215 ILCS 5/1520 new)

15 Sec. 1520. No authority to make or promulgate rules.
16 Notwithstanding any other rulemaking authority that may exist,
17 neither the Governor nor any agency or agency head under the
18 jurisdiction of the Governor has any authority to make or
19 promulgate rules to implement or enforce the provisions of this
20 Article. If, however, the Governor believes that rules are
21 necessary to implement or enforce the provisions of this
22 Article, the Governor may suggest rules to the General Assembly

1 by filing them with the Clerk of the House and Secretary of the
2 Senate and by requesting that the General Assembly authorize
3 such rulemaking by law, enact those suggested rules into law,
4 or take any other appropriate action in the General Assembly's
5 discretion. Nothing contained in this Article shall be
6 interpreted to grant rulemaking authority under any other
7 Illinois statute where such authority is not otherwise
8 explicitly given. For the purposes of this Article, "rules" is
9 given the meaning contained in Section 1-70 of the Illinois
10 Administrative Procedure Act, and "agency" and "agency head"
11 are given the meanings contained in Sections 1-20 and 1-25 of
12 the Illinois Administrative Procedure Act to the extent that
13 such definitions apply to agencies or agency heads under the
14 jurisdiction of the Governor."